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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,079	01/16/2004	Han-Chin Kao	BHT-3135-52	5299
7590 03/17/2005			EXAMINER	
TROXELL LAW OFFICE PLLC			NATNITHITHADHA, NAVIN	
5205 LEESBURG PIKE, SUITE 1404				
FALLS CHURCH, VA 22041			ART UNIT	PAPER NUMBER
			3736	
			DATE MAILED: 03/17/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/758,079	Applicant(s) KAO, HAN-CHIN	
	Examiner Navin Natnithithadha	Art Unit 3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

1. The abstract of the disclosure is objected to because the abstract is over 150 words. Correction is required. See MPEP § 608.01(b).

2. The disclosure is objected to because of the following informalities:

On page 5, lines 15-18, the following sentence appears to be grammatically incorrect:

"Do not touch the skin with the apparatus right away, but allow the power of the power supply be converted into a micro alternate current to pass through the electrodes 20 and the correction resistor 3 first."

Appropriate correction is required.

Claim Objections

Art Unit: 3736

3. Claim 1 is objected to because of the following informalities:

The claim appears to be a translation of or a copy of a foreign application claim, which contains many grammatical errors and does not clearly define the structure of the claimed apparatus, i.e. an apparatus for testing skin moisture. The Examiner suggests using indentations between each element and, in addition, defining the element of the apparatus first and then its function. For clarification purposes, the following amendments are suggested:

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1. An apparatus for testing skin moisture, comprising:

a casing [with]including a CPU single-chip microprocessor [respectively] coupled to a micro alternate current generator, an alternate current resistance measuring circuit, a memory, and a display device_i[, characterized in that:]

a fixed base_i[,] disposed at the front end of said casing and having at least one through hole on said fixed base and said through hole allowing a conductive electrode to pass through_i[,]

an elastic member fixed onto said casing_i[, and]

a correction resistor coupled in parrallel to said electrode_i [being coupled in parallel to a correction resistor;] and

wherein[by means of the foregoing components,] said electrodes are[being] pressed onto the testing skin for the test,

wherein[and] the measured result is[being] sent to said CPU single-chip microprocessor by said electrodes,

wherein[and] said CPU single-chip microprocessor retrieves[retrieving] a predetermined value of the data stored in a memory for [the] comparison with the measured result and the measured result being displayed on said display device₁[:]

wherein when said electrodes are[being] pressed onto the skin, the limitation of said fixed base keep[keeping] the moving distance of said electrode the same for each time, the same pressure exerted on said electrode by said elastic member and the same pressure exerted on the skin by said electrodes, and thus obtaining the same test result under the same environment.

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The above amendments are only one way to make the claim more clear, however, the Applicant is invited to provide additional amendments to clearly define the structure of the claimed apparatus.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 rejected under 35 U.S.C. 102(b) as being anticipated by Arai et al, US 5,755,672 A.

In regards to claim 1, Arai discloses a device 1 for measuring water content adhering to the surface of the skin (apparatus for testing skin moisture) (see col. 1, lines 8-14 and figs. 1 and 2), comprising:

a main body (casing) 2 (see fig. 2) including a water content measurement means 8 having a memory (see col. 4, line 33) and coupled to a display 10 (see fig. 2);

a measurement probe (fixed base) 4 disposed at the front end of the main body 2 and having a hole (not labeled) and the holes allowing a sensor (electrode) 3 to slide (pass through) (see fig. 2 and col. 4, line 66 to col. 5, line 3); and

a spring (elastic member) 15 fixed onto main body 2 and the sensor 13 (see fig. 2).

Arai broadly discloses the water content measurement means 8 and does not disclose the specific circuitry contained in this element. However, the function of the claimed circuitry involving a CPU single-chip microprocessor, a micro alternate current generator, an alternate current resistance measuring circuit, and a correction resistor is to measure the water content of the skin (see Applicant's Specification, page 6, lines 5-13). Hence, the claimed circuitry is a "water content measuring means", which is disclosed by Arai. Therefore, the subject matter claimed is not novel over Arai.


As to claims 2 and 3, Arai teaches a spring 15 and a display 10 (see fig. 2).

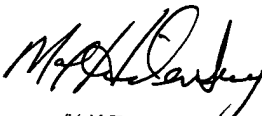
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navin Natnithithadha whose telephone number is (571) 272-4732. The examiner can normally be reached on Monday-Friday, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571) 272-4726. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Navin Natnithithadha
Patent Examiner
GAU 3736
March 18, 2005


MAX E. HINDENBURG
PATENT EXAMINER
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